

Chapter 6. Article 7. Division 38
§67.3810
Emergency Water Regulations - Hardship Variance



The following provides the qualifying criteria for Hardship Variance as specified in the Municipal Code:

If, due to unique circumstances, a specific requirement of this Division would result in undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water uses, then the customer may apply for a variance to the requirements as provided in this Section.

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

(1) Application.

Application for a variance will be in written form prescribed by the City and will be accompanied by a non-refundable processing fee in an amount set by resolution of the City Council.

(2) Supporting Documentation.

The written application will be accompanied by photographs, maps, drawings, or other pertinent information as applicable, including a written statement of the applicant.

(3) Approval Authority.

The Mayor or his designee will exercise approval authority and act upon any completed application after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance will be promptly notified in writing of any action taken. The decision is final. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

(4) Required Findings for Variance.

An application for a variance will be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, all of the following:

(A) That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other City of San Diego customers.

(B) That because of special circumstances applicable to the property or its use, the strict application of this Division would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

(C) That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of San Diego to effectuate the purpose of this Division and will not be detrimental to the public interest.

(D) That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

(5) No relief will be granted to any customer for any reason in the absence of a showing by the customer that the customer has achieved the maximum practical reduction in water consumption in the customer's residential, commercial, industrial, institutional, agricultural or governmental water consumption.



DROUGHT RESPONSE LEVEL 2 – ALERT CONDITION

Customer Name: _____, _____, _____
Last Name First Name MI
Account Number: _____ (attach sheet listing additional account numbers if more than one meter serves the site).
Service Address: _____
Mailing Address: _____
Best Contact Phone #: (____) _____ **E-Mail Address:** _____

1. Total number of occupants: _____. 2. Total occupant capacity (if other than residential): _____
3. Lot size that meter(s) serves: _____ acres. 4. Total irrigated landscape area: _____ sq. feet.
5. If there is a pool(s)/spa(s), please provide total size (in gallons): _____ 6. Number of structure stories: _____
7. Square footage of structure(s): _____
8. Reason for the requested variance: See Page 2 for Qualifying Criteria. Attach additional sheets if needed.

9. Please propose an alternative that accommodates your specific water use needs and still achieves the intended reduction in water use. If no alternative is possible, please provide reason. Examples: Propose alternative irrigation days or time periods from those established by the City; Propose a plan to increase conservation in other ways at the site in order to compensate for inability to reduce water use for reasons you described above. Attach additional sheets if needed.

10. PROCESSING FEE. CHECK #: _____ (fee is non-refundable)

- Properties with meters between $\frac{3}{4}$ " and 1": \$25 processing fee applies.
- Properties with 1 $\frac{1}{2}$ " meters : \$50 processing fee applies.
- Properties with meters ≥ 2 " : \$100 processing fee applies.

Check your water bill to determine meter size.

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the City of San Diego, and that all information provided is subject to verification by the City. The City may request additional information and/or inspection of the interior and exterior of the premises. Knowingly providing false or misleading information for the purpose of receiving a variance to Drought Response Level 2- Alert Condition is subject to civil and criminal penalties, including, but not limited to, issuance of an Administrative Citation in an amount up to \$1000.

Customer Signature _____ **Date** _____

Send this form along with processing fee to:

Drought Response Level 2 Variance Request • City of San Diego Water Dep't 600 B Street (MS 912) • San Diego, CA 92101
Variance requests will be processed within 3 weeks of receipt. Customers will be notified of determination by mail.